

AMENDED IN SENATE APRIL 6, 2006

SENATE BILL

No. 1814

Introduced by Senator Torlakson

February 24, 2006

An act to ~~add Section 21081.8 to~~ amend Section 17072.35 of the Education Code, and to amend Section 21157 of, and to add Section 21067.5 to, the Public Resources Code, relating to environmental quality, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1814, as amended, Torlakson. CEQA: ~~mitigation measures schools.~~

(1) ~~The existing California Environmental Quality Act declares it to be the policy of the state that a public agency should not approve a project that may have~~ (CEQA) requires a lead agency to prepare, or cause to prepare, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment ~~if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects of the project, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.~~ CEQA also generally requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect on the environment. CEQA authorizes a master environmental impact report to be prepared for specified projects. CEQA defines terms and provides some exemptions from its requirements for specific projects, including

for a residential project in an urban infill area if specified requirements are met.

This bill would ~~require the Secretary of the Resources Agency, on or before July 1, 2007, and annually thereafter, to report on the types and effectiveness of a representative sample of mitigation measures adopted by state and local agencies include, as a project for which a master environmental impact report may be prepared, a school district environmental master plan, as defined. By imposing new duties on a lead agency, to determine whether a project is subject to these provisions, the bill would impose a state-mandated local program.~~

(2) Under existing law, the Leroy F. Greene School Facilities Act of 1998, a school district is authorized to use a grant for new construction on specified costs necessary to adequately house new pupils in an approved project.

This bill would authorize a school district to use a grant for new construction for costs incurred in complying with CEQA and for contribution to a habitat mitigation bank that is identified in an environmental impact report prepared for a schoolsite.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(2)~~

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: ~~no~~-yes. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 21081.8 is added to the Public~~
2 ~~Resources Code, to read:~~
3 ~~21081.8. On or before July 1, 2007, and on or before July 1 of~~
4 ~~each year thereafter, the Secretary of the Resources Agency shall~~
5 ~~report on the types and effectiveness of a representative sample~~
6 ~~of mitigation measures adopted by state and local agencies. The~~

~~secretary may consider information from mitigation reporting and monitoring programs adopted pursuant to Section 21081.6.~~

SECTION 1. Section 17072.35 of the Education Code is amended to read:

17072.35. A grant for new construction may be used for any and all costs necessary to adequately house new pupils in any approved project, and those costs may only include the cost of design, engineering, testing, inspection, plan checking, construction management, site acquisition and development, including all costs for compliance with the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, whether site specific or included in a master environmental impact report or other comprehensive analysis, evaluation and response action costs relating to hazardous substances at a new or existing schoolsite, demolition, construction, acquisition and installation of portable classrooms, landscaping, necessary utility costs, utility connections and other fees, equipment including telecommunication equipment to increase school security, furnishings, and the upgrading of electrical systems or the wiring or cabling of classrooms in order to accommodate educational technology. A grant for new construction may also be used to acquire an existing government or privately owned building, or a privately financed school building, and for the necessary costs of converting the government or privately owned building for public school use, and for contribution to a habitat mitigation bank, as identified pursuant to an environmental impact report prepared for the schoolsite.

SEC. 2. Section 21067.5 is added to the Public Resources Code, to read:

21067.5. "School district master environmental plan" means a coordination of district wide or attendance area wide environmental planning studies to assist the public in evaluating, in a comprehensive manner, the environmental effects of school facility development. A school district environmental plan may include any of the following:

(a) A storm water program, including storm water discharge requirements adopted by the school district in compliance with the federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.).

1 (b) A phase I environmental assessment or preliminary
2 environmental assessment required by the Department of Toxic
3 Substances Control pursuant to Article 1 (commencing with
4 Section 17210) of Chapter 1 of Part 10.5 of Division 1 of Title 1
5 of the Education Code.

6 (c) Identification of traffic corridors, hazardous air emissions
7 facilities, or other facilities identified for analysis pursuant to
8 Section 17213 of the Education Code.

9 (d) Analysis of school siting consistent with the State
10 Department of Education site selection and approval process
11 pursuant to Section 17251 of the Education Code and Title 5 of
12 the California Code of Regulations.

13 (e) Other environmental planning program requirements that
14 would reasonably be included in an analysis pursuant to this
15 division.

16 SEC. 3. Section 21157 of the Public Resources Code is
17 amended to read:

18 21157. (a) A master environmental impact report may be
19 prepared for any one of the following projects:

20 (1) A general plan, element, general plan amendment, or
21 specific plan.

22 (2) A project that consists of smaller individual projects ~~which~~
23 ~~that~~ will be carried out in phases.

24 (3) A rule or regulation ~~which~~ ~~that~~ will be implemented by
25 subsequent projects.

26 (4) ~~Projects which~~ A project that will be carried out or
27 approved pursuant to a development agreement.

28 (5) ~~A public~~ Public or private ~~projects which~~ project that will
29 be carried out or approved pursuant to, or in furtherance of, a
30 redevelopment plan.

31 (6) A state highway project or mass transit project ~~which~~ ~~that~~
32 will be subject to multiple stages of review or approval.

33 (7) A regional transportation plan or congestion management
34 plan.

35 (8) A plan proposed by a local agency for the reuse of a
36 federal military base or reservation that has been closed or that is
37 proposed for closure.

38 (9) Regulations adopted by the Fish and Game Commission
39 for the regulation of hunting and fishing.

40 (10) A school district environmental master plan.

(b) When a lead agency prepares a master environmental impact report, the document shall include all of the following:

(1) A detailed statement as required by Section 21100.

(2) A description of anticipated subsequent projects that would be within the scope of the master environmental impact report, that contains sufficient information with regard to the kind, size, intensity, and location of the subsequent projects, including, but not limited to, all of the following:

(A) The specific type of project anticipated to be undertaken.

(B) The maximum and minimum intensity of any anticipated subsequent project, such as the number of residences in a residential development, and, with regard to a public works facility, its anticipated capacity and service area.

(C) The anticipated location and alternative locations for any development projects.

(D) A capital outlay or capital improvement program, or other scheduling or implementing device that governs the submission and approval of subsequent projects. *A school district may satisfy this requirement with a description of its anticipated access to funding in a school facilities program.*

(3) A description of potential impacts of anticipated subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the master environmental impact report. This description shall not be construed as a limitation on the impacts which may be considered in a focused environmental impact report.

(c) Lead agencies may develop and implement a fee program in accordance with applicable provisions of law to generate the revenue necessary to prepare a master environmental impact report.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

~~SEC. 2.~~

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety

1 within the meaning of Article IV of the Constitution and shall go
2 into immediate effect. The facts constituting the necessity are:
3 In order to protect the environment and public health at the
4 earliest possible time, it is necessary for this act to take effect
5 immediately.

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